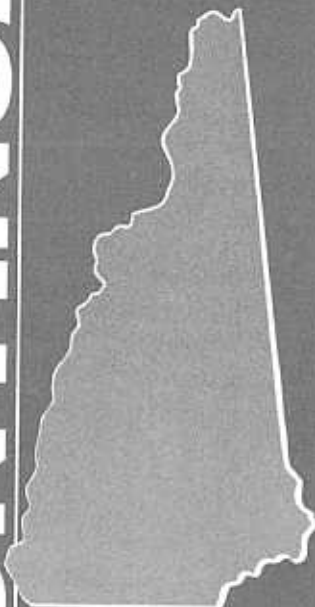


# NEW HAMPSHIRE STATE CONTINUATION

Insurance Department



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## What is State Continuation?

State Continuation is not insurance, it is an option to continue existing coverage under a New Hampshire law. The general requirements for State Continuation are found in RSA 415:18, VII, specifically subsections RSA 415:18, VII(g)(1) and (g)(4). A copy of this statutory provision may be obtained from the NH State Library, or on the internet at the NH State website, [www.state.nh.us](http://www.state.nh.us).

If you voluntarily leave employment or are terminated by your employer for any reason other than gross misconduct and your employer is continuing to offer group insurance, State Continuation allows for the temporary continuation of your employer's group insurance coverage for employees and their dependents after their insurance would otherwise end.

State Continuation applies to New Hampshire residents who are members of an employer group plan and who are not eligible to continue their coverage under the federal COBRA law. COBRA guidelines apply to employers with 20 or more employees in the prior year. If your employer has fewer than 20 employees, you are entitled to continue your group coverage under RSA 415:18, VII the State Continuation law.

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## Who is eligible for State Continuation?

An individual who is covered under a group hospital, surgical, medical insurance plan, dental insurance plan, or health maintenance organization and who becomes ineligible for contin-

ued participation in a plan for any reason, other than the termination of the covered employee for gross misconduct, is eligible for State Continuation. State Continuation means that coverage is available for an extension period of:

(A) 18 months; or

(B) 29 months when an individual is determined, under Title II or XVI of the Social Security Act to have been disabled within the first 60 days of the date such individual becomes ineligible for continued participation in the plan; or

(C) 36 months when a widow, widower, divorced spouse, or legally separated spouse of a covered employee is 54 years of age or younger, and the covered employee dies; or is divorced or legally separated; or becomes entitled to benefits under Title XVIII of the Social Security Act; or

(D) 36 months when a dependent child ceases to be a dependent child; or

(E) 36 months, for retirees and dependents who have a substantial loss of coverage within one year of the date the employer files for protection under the bankruptcy provisions of Title 11 of the United States Code; or

(F) When the surviving spouse, divorced spouse, or legally separated spouse of a covered employee is 55 years of age or older, and the covered employee dies, or is divorced or legally separated, the extension period shall continue until the surviving spouse, divorced spouse, or legally separated spouse becomes eligible for participation in another employer-based group plan or becomes eligible for Medicare.

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## How do I sign up for Continuation?

You must elect Continuation and notify your or the covered employee's employer if any of the situations in (A) through (F) present themselves. If the covered employee dies, then the employer should notify the surviving spouse, divorced spouse or legally separated spouse of their right to continue coverage.

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## What does State Continuation cost?

The benefits of the plan shall be made available to the individual, surviving spouse or dependent at the group rate. Full payment of the premiums, shall be made to the employer or insurer throughout the extension period. Premium payment may include an administrative fee not to exceed 2 percent of the monthly premium.

If the employer fails to make the payments to the insurer and this results in coverage termination, the employer will be liable for the benefits to the same extent as the insurer would have been had coverage not been terminated.

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## What happens if my employer decides to no longer offer health insurance coverage, or if my employer goes out of business?

When a group plan terminates its benefits, the plan shall be available at the same group rate to the individual, the surviving spouse, and the dependent

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covered by the group plan, for an extension period of 39 weeks, or until coverage is available under another group plan, whichever occurs first.

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### **What happens when my Continuation of coverage ends?**

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Upon termination of the continuation period, the member, surviving spouse, divorced spouse, legally separated spouse, or dependent shall be entitled to elect a converted policy under the group plan. You may also want to inquire about individual insurance coverage offered in the state by another insurer.

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## **QUESTIONS?**

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### **If you have a question that you are not able to resolve with your insurance company or your employer, assistance is available:**

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If your question pertains to the actions of your insurance company, please call the New Hampshire Insurance Department at 1-800-852-3416.

If your question pertains to the actions of your employer, please call the New Hampshire Department of Labor at 1-800-272-4353, or the United States Department of Labor at 1-617-565-9600.

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